

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIGUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

**PLAINTIFFS' MOTION TO STRIKE FOOTNOTE 32 OF DEFENDANTS'
MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

Plaintiffs respectfully move to strike footnote 32 on page 35 of Defendants' Memorandum in Opposition to Plaintiffs' Motion for a Preliminary Injunction. This footnote makes irrelevant, unsubstantiated, and scandalous allegations against Henry Thomas, President and CEO of the Urban League of Springfield and affiant for plaintiffs. Defendants' unfounded allegations arise from entirely separate, ongoing litigation in Massachusetts Superior Court between the City of Springfield and the Springfield Library and Museum Association, City of Springfield v. Springfield Library and Museum Association, Inc., Civil Action No. 05-00399. Neither Mr. Thomas nor the Urban League of Springfield is a party to the state court litigation, nor are they plaintiffs in the above-captioned matter. The prejudicial allegations in footnote 32

have absolutely no bearing on the merits of plaintiffs' claims under Section 2 of the Voting Rights Act, and accordingly, plaintiffs ask that the footnote be stricken.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned hereby certifies that on August 15, 2005, they conferred with defendants' counsel and attempted in good faith to resolve or narrow the issues prior to the filing of this motion but were unable to do so.

Respectfully submitted,

ARISE FOR SOCIAL JUSTICE; ¿OISTE?; NEW
ENGLAND STATE-AREA CONFERENCE OF
THE NAACP; REV. TALBERT W. SWAN, II;
NORMAN W. OLIVER; DARLENE ANDERSON;
GUMERSINDO GOMEZ; FRANK BUNTIN;
RAFAEL RODRIQUEZ; and DIANA NURSE

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Dated: August 15, 2005